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MITIGATED NEGATIVE DECLARATION

March 5, 2009

Project Name: LAGUS MINOR SUBDIVISION

Project Number(s): TENTATIVE PARCEL MAP TPM 20966, ER 05-03-004

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies: Fire Protection Plan, Drainage Study and a Stormwater Management Plan
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.

2. ACCESS

- a. The subdivider shall furnish to the County of San Diego, Department of Public Works, recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703(a)(2) and/or (b)(1), unless proof is furnished that a lesser width is applicable under Section 81.703(l)(1) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This requirement applies to offsite access to all proposed parcels.

3. SIGHT DISTANCE

- a. Prior to recordation of the Parcel Map, a registered civil engineer, a registered traffic engineer, or a licensed surveyor shall provide a signed statement that: "Physically, there is a minimum adequate unobstructed sight distance in both directions along Cool Valley Road from Villa Sierra Road, for the prevailing operating speed of traffic on Cool Valley Road". If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: "said lines of sight fall within the existing right-of-way and a clear space easement is not required." These certifications shall be to the satisfaction of the Department of Public Works.

4. PRIVATE ROAD EASEMENTS

- a. The Parcel Map shall show a minimum thirty-foot (30') wide onsite private road easement from Parcel 1 easterly to Villa Sierra Road.
- b. The Parcel Map shall show a minimum forty-foot (40') wide private road easement (Villa Sierra Road) from the southeasterly corner of Parcel 2 northerly to Cool Valley Road.

5. ROAD DEDICATIONS

- a. Execute an Irrevocable Offer to Dedicate right-of-way required to complete a thirty-foot (30') half-width right-of-way on both sides of the centerline [minimum centerline radius seven hundred feet (700')], plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit from centerline for that portion within the land division for Villa Sierra Road (SC 300).
- b. Any offer of dedication or grant of right-of-way shall be free of any burden or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per Section 81.705 (a) of the County Code, at the time of recordation of the Parcel Map.
- c. The subdivider shall relinquish access rights onto Villa Sierra Road (SC 300), except for one (1) private driveway opening for Parcel 3 (at the most easterly corner of Parcel 3) and one (1) private road easement opening at the southeasterly corner of Parcel 2.

6. CIRCULATION ELEMENT ROADS

- a. Prior to preparation of the Parcel Map, contact Route Locations of the Department of Public Works (858) 874-4202 to determine the desired location of the centerline for Villa Sierra Road (SC 300), which is shown on the Circulation Element of the County General Plan as a Light Collector Road. The following shall be shown on the Parcel Map:
 - (1) The centerline location as approved by the County of San Diego, Department of Public Works Route Locations Section.
 - (2) The width of the right-of-way which is thirty feet (30') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening."
 - (3) A building line which is sixty-feet (60') from the centerline of the road and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
 - (4) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-section sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.

7. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/
DEVELOPMENT IMPACT FEES

- a. The subdivider shall authorize DPW Lighting District to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The subdivider shall cover the cost of processing by paying a minimum deposit at the Land Development Counter Services.
- b. The subdivider shall provide for maintenance of the onsite and offsite private road that serves the project through a private road maintenance agreement.

8. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of

Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.

- b. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public road, the subdivider shall provide the County of San Diego, Department of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from AT&T/SBC.
- c. Certification by the Department of Environmental Health with respect to sewage disposal shall be shown on the Parcel Map. [DPLU]
- d. Prior to the approval of the Parcel Map, a corrected copy of this Tentative Parcel Map, which contains the complete requirements of the Department of Environmental Health as to sewage requirements, shall be filed with the Department of Environmental Health. [DPLU]
- e. Prior to recordation of the Parcel Map, the subdivider shall obtain a commitment to provide water service for each parcel from the Valley Center Municipal Water District.

9. TRIALS REQUIREMENT(S) [DPR]

- a. On the Parcel Map, dedicate to the County of San Diego, and accept, a 10-foot wide non-motorized trail easement, as shown on the Tentative Parcel Map 20966RPL2 dated **December 8, 2008** on file with the Department of Planning and Land Use. The trail labeled as pathway alignment shall be revised to 10 foot trail easement.

C THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO

RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE) THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION". IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT, AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT, MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUELBREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. PRIVATE ROAD IMPROVEMENTS

- a. In the event these improvements are deferred, the subdivider shall execute such documents as deemed necessary by the County of San Diego, Department of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This indemnification shall also be noted on the Parcel Map.
- b. The private easement road, from Parcel 1 easterly to Villa Sierra Road shall be graded twenty feet (20') wide and improved sixteen

feet (16') wide with asphalt concrete. The Improvement and Design Standards of Section 3.13(D) of the County Standards for Private Roads shall apply.

- c. The private easement road (Villa Sierra Road), from the southeasterly corner of the land division northerly to Cool Valley Road, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. Existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty-four feet (24'). All distressed sections shall be replaced. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Roads for seven hundred fifty one (751) to twenty-five hundred (2500) trips shall apply.
- d. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Roads.
- e. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- f. A street name sign, with a County approved street name, shall be installed and located at the intersection of Villa Sierra Road and Villa Sierra Lane per San Diego County Design Standards DS-13.
- g. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road, including all slopes, from Parcel 1 easterly to Villa Sierra Road is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- h. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road (Villa Sierra

Road), including all slopes, from the southeasterly corner of the land division northerly to Cool Valley Road, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."

- i. The structural section for the private roads shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Roads.
- j. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Department of Public Works.
- k. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

2. FACILITY/UTILITY IMPROVEMENTS [DPLU]

- a. The subdivider shall install a minimum water supply pipe to serve this minor subdivision in accordance with the standards of the Valley Center Fire Protection District.
- b. Three (3) fire hydrants, together with an adequate water supply, shall be installed in accordance with the specifications of the Valley Center Fire Protection District and San Diego County standards in the vicinity of the northeast corner of Parcel 2, the southeast corner of parcel 1, and approximately four hundred feet (400') south of the northern most property line of Parcel 3. On paved roads, a "blue

dot" marker shall be installed in the pavement to indicate the location of the fire hydrant.

Design of water supply, type, and location of fire hydrants must be submitted to the Valley Center Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision.

3. Prior to issuance of any permit and prior to recordation of the parcel map the applicant shall grant by separate document to the County of San Diego a Limited Building Zone Easement as shown on the Preliminary Grading Plan dated **December 12, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 05-03-004. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes on the adjacent parcel to the west which contains coastal sage scrub and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are: **[DPLU, FEE]**
 1. Decking, fences, and similar facilities.
 2. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
 3. If the adjacent parcel to the west is developed resulting in the elimination of sensitive biological resources, provide to the Director of Planning and Land Use a signed, stamped statement and photographic evidence from a California Registered Engineer, or licensed surveyor that the adjacent land along the western property boundary has been developed. Upon approval, structures shall be permitted within the limited building zone easement. If the land has been dedicated as open space, this exception shall not apply.

D. OTHER REQUIREMENTS [DPW] [DPLU]

1. The following note shall appear on the Parcel Map:

All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.

2. At the time of recordation of the Parcel Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
3. Prior to the approval of the Parcel Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Parcel Map report from a qualified title insurance company.
4. Zoning regulations require that each parcel shall contain a minimum net area of 2 acres. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
5. The subject property is in the Estate Residential (17) Designation of the San Diego County General Plan and each parcel shall contain a minimum gross area of 2 acres where the average slope of the parcel does not exceed 25%, and a minimum gross area of 4 acres where the average slope of the parcel exceeds 25%. If, as a result of survey calculations or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the required minimum, it becomes the responsibility of the subdivider to meet area requirements by lot redesign. The subdivider shall comply with the area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
6. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all Parcel Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.
7. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie

lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map. For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineers's certificate as shown on the final map.

8. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Department of Public Works.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Sami Real, Planning Manager
Project Planning Division

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